

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SHAWN ALLISON,

Plaintiff

v.

**WARDEN, DAUPHIN COUNTY JAIL;
PA STATE PAROLE BOARD;
COMMONWEALTH OF PA BOARD OF
PROBATION AND PAROLE;
ANDREW JOHNSON; and GREGORY
BRUNNER,**

Defendants

No. 3:18cv1712

(Judge Munley)

(Magistrate Judge Mehalchick)

ORDER

AND NOW, to wit, this 19th day of November 2018, we have before us for disposition Magistrate Judge Karoline Mehalchick's report and recommendation, which proposes that the plaintiff's motion to proceed *in forma pauperis* be granted, but that his complaint be dismissed without prejudice for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915(A) and 28 U.S.C. § 1915(e)(2)(B)(ii).

No objections to the report and recommendation have been filed, and the time for such filing has passed. Therefore, in deciding whether to adopt the report and recommendation, we must determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(B) 1983 Advisory Committee Notes ("When no timely objection is filed, the court need only satisfy itself that

there is no clear error on the face of the record to accept the recommendation”); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, we find neither a clear error on the face of the record nor manifest injustice, and therefore, we shall adopt the report and recommendation. It is hereby **ORDERED** as follows:

- 1) The magistrate judge’s report and recommendation (Doc. 9) is **ADOPTED**;
- 2) Plaintiff’s motion to proceed *in forma pauperis* (Doc. 2) is **GRANTED**;
- 3) Plaintiff’s complaint (Doc. 1) is **DISMISSED WITHOUT PREJUDICE** for failure to state a claim upon which relief can be granted;
- 4) Plaintiff has **THIRTY (30) DAYS** from the date of this order to amend his complaint in such a way that clearly reasserts his claims in accordance with Rules 8(a) and 8(d)(1) of the Federal Rules of Civil Procedure and the directives of Magistrate Judge Mehalchick’s report and recommendation; and
- 4) This matter is remanded to Magistrate Judge Mehalchick for further proceedings.

BY THE COURT


JUDGE JAMES M. MUNLEY
United States District Court